

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

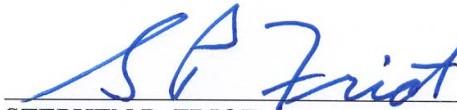
PATRICK LEE SAMPSON,)
)
Plaintiff,)
)
-vs-) Case No. CIV-12-826-F
)
C. CHESTER,)
)
Defendant.)

ORDER

On October 4, 2012, the court entered an order holding in abeyance the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on September 25, 2012 (doc. no. 10) until October 22, 2012. The court granted plaintiff until October 22, 2012 to pay the initial partial filing fee of \$10.78. The court advised plaintiff that if the court did not receive the \$10.78 initial partial filing fee by October 22, 2012, the court shall accept the Report and Recommendation and dismiss plaintiff's cause of action without prejudice to refiling.

To date, the court has not received the \$10.78 initial partial filing fee. Accordingly, the court **ACCEPTS** the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on September 25, 2012 (doc. no. 10). Plaintiff's cause of action is **DISMISSED WITHOUT PREJUDICE** to refiling.

DATED November 6, 2012.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE